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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,414	09/04/2003	Gregory P. Gerber	GRD0235.US	7386

7590 06/24/2009  
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EXAMINER
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KWIECINSKI, RYAN D

ART UNIT	PAPER NUMBER
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3635

MAIL DATE	DELIVERY MODE
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06/24/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/656,414	<b>Applicant(s)</b> GERBER, GREGORY P.	
	<b>Examiner</b> RYAN D. KWIECINSKI	<b>Art Unit</b> 3635	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 October 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 October 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-2, 4, 6-7, 9, 12-15, and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,503,565 to McCoy in view of US 5,901,512 to Bullwinkle.**

#### **Claims 1-2, 4, 6-7, 9, and 12-15:**

**Regarding claims 1 and 6,** McCoy discloses a modular wall panel assembly comprising:

a modular wall panel (12,14, Fig.1) including a base cover (front surface of 12,14 at the bottom, Fig.1) with at least one aperture (38, Fig.1);

an electrical distribution harness (14,16) connected to said modular wall panel, said electrical distribution harness including:

an electrical connector (48) including a plurality of terminals (50);

at least one channel (16) extending from and electrically connected with said electrical connector (conductors running through the channel), said at least one channel including a plurality of electrical conductors (wires connecting 48 and 20) at least

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partially therein, said plurality of electrical conductors connected with said plurality of terminals (wires connect 48 and 20);

an electrical receptacle (30) connected to said electrical connector; and

at least one receptacle mounting bracket (40) positioned outside of said at least one channel and directly on said electrical receptacle (directly overtop of the receptacle), said at least one receptacle mounting bracket having a cutout (46) at least partially surrounding and supporting said electrical receptacle, said receptacle mounting bracket having at least one attachment element (left and right sides with the hole in 40) connected to at least one of said modular wall panel (42 connects to modular panel), said electrical receptacle protruding through both at least one said aperture and at least one said receptacle mounting bracket (Column 6, lines 50-60).

McCoy does not disclose a holder or at least the harness/channel connected to the holder.

Bullwinkle discloses a holder (30, 86, Fig.1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have formed the modular wall panel of McCoy with a holder in order to provide a support to hold the harness within the modular wall panel. The holder will not only support the harness and electrical 'connectors but it will also protect the electrical assembly from becoming damaged. It also would have been obvious to have connected the harness or channel to the holder in order to ensure a secure connection between the harness and the holder. Connecting the holder to the electrical assembly will prevent the harness from being shaken loose or from becoming damaged due to

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forces applied to the wall panel. Securing the harness to a holder will prevent the electrical assembly from jarring loose and possibly causing a disconnection between modular wall panel members.

**Regarding claims 2 and 7**, wherein said receptacle mounting bracket includes a rectangular frame (40);

**Regarding claims 4 and 9**, wherein said mounting bracket includes a frame complimentary in shape to said receptacle (40);

**Regarding claims 12 and 14**, wherein each of said at least one receptacle mounting bracket is spaced from said plurality of electrical conductors (bracket is fastened to the modular wall and does not support the weight of the conductors);

**Regarding claims 13 and 15**, wherein each of said at least one receptacle mounting bracket couples with only one said electrical receptacle (bracket has one opening 46 which will accommodate 1 receptacle 30) and is nonconfigured for coupling with more than one said electrical receptacle.

**Claims 5 and 10:**

McCoy in view of Bullwinkle discloses the modular wall panel assembly of claim 1, further including a fastener (42), wherein said attachment element has a hole (hole through which 42 is placed, Fig.1), said fastener extending through said hole.

McCoy does not specifically disclose wherein the fastener is attached to a corresponding said channel. but he does disclose the fastener attached to the wall panel to keep the mounting bracket in a desired position.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used a fastener to attach the mounting bracket to the wall panel as well as the channel in order to secure the mounting panel in a desired position on the wall panel and the channel and the receptacle in a desired position within the wall panel. Therefore the channel and receptacle cannot be jarred from their locations during shipments, wall movements, etc.

**Claim 18:**

McCoy in view of Bullwinkle discloses the wall panel assembly of claim 1, but does not specifically disclose a fastener to secure the holder of said modular wall panel to said receptacle mounting bracket.

Bullwinkle discloses a fastener to secure the holder of said modular wall panel to said front panel of the wall panel assembly (fastener securing 64 to the holder, Fig.1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have secured the receptacle mounting bracket to the holder with a fastener in the same manner as the front panel as disclosed by Bullwinkle. The receptacle mounting bracket is secured using a fastener so it would have been obvious to have secured the mounting bracket through the wall panel and into the holder which

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is secure inside of the wall panel. This will provide a structurally sound, secure wall panel assembly.

**Claim 19:**

McCoy in view of Bullwinkle discloses the wall panel assembly of claim 1, but does not specifically disclose wherein said electrical connector conforms to the holder of the wall panel.

Bullwinkle discloses a J-shaped holder which will allow the electrical connector to conform to the holder as well as rest on the holder in order to be secured in the modular wall panel.

The recitation “configured to conform to” is a recitation of capability of the electrical connector. The electrical connector of McCoy is capable of conforming to the holder as disclosed in Bullwinkle. The recitation does not further limit the modular wall panel assembly.

**Claims 3 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,503,565 to McCoy in view of US 5,901,512 to Bullwinkle in view of US 6,173,536 B1 to Boyce.**

**Claims 3 and 8:**

McCoy in view of Bullwinkle discloses the modular wall panel and harness of claims 1 and 6, but does not disclose a C-shaped cross section of the mounting bracket.

Boyce discloses a c-shaped cross section (cover over hole 50 shown in Fig.2) of a mounting bracket.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the mounting bracket of Boyce which is notoriously well known in the art in order to cover the receptacle of McCoy. The brackets of Boyce are commonly used to cover receptacles, switches, etc. The c-shaped cross section provides an aesthetically appealing look to the exterior of the receptacle.

**Claims 11, 16-17, and 20 are rejected as best understood under 35 U.S.C. 103(a) as being unpatentable over US 5,503,565 to McCoy in view of US 5,901,512 to Bullwinkle in view of US 4,017,137 to Parks.**

**Claim 11:**

McCoy discloses a method for connecting an electrical receptacle to an electrical distribution harness for a modular wall panel having a base cover with at least one aperture, comprising the steps of:

providing an electrical distribution harness (14,16, Fig.1) including at least one channel (16) having a plurality of electrical conductors (wires running through 16) at least partially therein and an electrical connector (48) including a plurality of terminals (50), said plurality of electrical conductors connected with said plurality of terminals (wires connect 48 and 20);

connecting the electrical receptacle into said electrical connector (30 goes into 48);

placing a receptacle mounting bracket (40) over the electrical receptacle such that a cutout at least partially surrounds and supports the electrical receptacle (Column 6, line 50-60);

positioning said receptacle mounting bracket outside of said at least one channel and directly on said electrical receptacle (bracket is located directly over the receptacle); and inserting the electrical receptacle through at least one said aperture (Column 6, lines 50-60).

McCoy does not disclose a holder or at least the harness/channel connected to the holder or attaching the receptacle mounting bracket to the electrical distribution harness.

Bullwinkle discloses a holder (30, 86, Fig.1).

Parks discloses attaching the mounting bracket to the harness (98 fits into 10, Fig.1; the bracket is connected to the harness 16).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have formed the modular wall panel of McCoy with a holder in order to provide a support to hold the harness within the modular wall panel. The holder will not only support the harness and electrical 'connectors but it will also protect the electrical assembly from becoming damaged. It also would have been obvious to have connected the harness or channel to the holder in order to ensure a secure connection between the harness and the holder. Connecting the holder to the electrical assembly

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will prevent the harness from being shaken loose or from becoming damaged due to forces applied to the wall panel. Securing the harness to a holder will prevent the electrical assembly from jarring loose and possibly causing a disconnection between modular wall panel members.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have connected the mounting bracket to the outside of inside of the modular wall panel. Placing the bracket inside or outside of the wall panel merely affects the aesthetics of the modular wall panel. Mounting the bracket to the electrical harness will still provide a support for the receptacle and will also provide the aesthetics through the aperture.

**Claims 16-17:**

McCoy in view of Bullwinkle in view of Parks discloses the method of claim 11,

**Regarding claim 16**, Parks also discloses wherein each of said at least one receptacle mounting bracket is spaced from said plurality of electrical conductors (bracket is fastened to the receptacle and does not support the weight of the conductors);

**Regarding claim 17**, wherein each of said at least one receptacle mounting bracket couples with only one said electrical receptacle (bracket 94 is fit to cover the single receptacle 16, Fig.1) and is nonconfigured for coupling with more than one said electrical receptacle.

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**Claim 20:**

McCoy in view of Bullwinkle in view of Parks discloses the wall panel assembly of claim 1, but does not specifically disclose a fastener to secure the holder of said modular wall panel to said receptacle mounting bracket.

Bullwinkle discloses a fastener to secure the holder of said modular wall panel to said front panel of the wall panel assembly (fastener securing 64 to the holder, Fig.1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have secured the receptacle mounting bracket to the holder with a fastener in the same manner as the front panel as disclosed by Bullwinkle. The receptacle mounting bracket is secured using a fastener so it would have been obvious to have secured the mounting bracket through the wall panel and into the holder which is secure inside of the wall panel. This will provide a structurally sound, secure wall panel assembly.

***Response to Arguments***

Applicant's arguments with respect to claims 1, 6, and 11 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RYAN D. KWIECINSKI whose telephone number is (571)272-5160. The examiner can normally be reached on Monday - Friday from 9 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (571)272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Richard E. Chilcot, Jr./  
Supervisory Patent Examiner, Art Unit 3635

RDK

/Ryan D Kwiecinski/  
Examiner, Art Unit 3635